

**Emergency Support Function – No. 10
OIL AND HAZARDOUS MATERIALS RESPONSE**

Primary Agency:

Department of Emergency Management

VERT ESF Branch:

Emergency Services Branch

Support Agencies:

Virginia Department of Environmental
Quality
Virginia Department of Health
Virginia Department of Labor and Industry

Purpose

- A. Emergency Support Function (ESF) #10 – Oil and Hazardous Materials Response provides for state-coordinated and directed support in response to an actual or potential discharge and/or uncontrolled release of oil or hazardous materials during incidents.
- B. Virginia’s authority over oil and hazardous materials incidents is established under Chapter 3.5 of *the Emergency Services and Disaster Laws* (Title 44-146.34 to 44-146.40, inclusive). Oil and hazardous materials response in the Commonwealth is guided by the *COVEOP Hazardous Materials Response and Terrorism Consequence Management Annex (Volume 4)*.
- C. The federal government has concurrent jurisdiction and may also respond to oil and hazardous materials incidents using the mechanisms of the *National Oil and Hazardous Substances Pollution Contingency Plan (NCP)* (found at 40 CFR 300, et. seq.) without activating ESF #10. Federal authority stems from the *Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA)* and authorities granted the federal government under Section 311 of the *Federal Water Pollution Control Act* and the *Oil Pollution Act of 1990*. Virginia coordinates closely with

the U.S. Environmental Protection Agency in under all such circumstances.

- D. Hazardous materials are defined under Virginia Law (Title 44-146.34) differently that under federal law. In Virginia, hazardous materials means: substances or materials which may pose unreasonable risks to health, safety, property, or the environment when used, transported, stored or disposed of, which may include materials which are solid, liquid, or gas. Hazardous materials may include toxic substances, flammable and ignitable materials, explosives, corrosive materials, and radioactive materials and include:
 - 1. Those substances or materials in a form or quantity which may pose an unreasonable risk to health, safety, or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order;
 - 2. Hazardous substances as defined or designated by law or regulation of the Commonwealth or law or regulation of the United States government; and
 - 3. Hazardous waste as defined or designated by law or regulation of the Commonwealth.” Hazardous materials under Virginia Law incorporate the federal definitions of

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hazardous materials, hazardous substances, hazardous waste, and may include naturally-occurring as well as man-made materials.

Scope

- A. ESF #10 provides for a coordinated response to actual or potential oil and hazardous materials incidents by placing the hazard-specific response mechanisms of the Commonwealth under the VERT.
- B. When the federal government is involved in the response the mechanisms of the *NCP* are placed within the broader *National Response Plan (NRP)* coordination structure.
- C. ESF #10 includes the appropriate response and recovery actions to prepare for, prevent, minimize, or mitigate a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents.
- D. Hazardous materials addressed under ESF #10 may include chemical, biological, and radiological substances whether accidentally or intentionally released. These include chemical, biological, and radiological substances considered to be weapons of mass destruction (WMD).
- E. ESF #10 describes the lead coordination roles, the division and specification of responsibilities among state agencies, and on-site response organizations, personnel, and resources that may be used to support response actions, including those from the Virginia National Guard and federal agencies. ESF #10 is applicable to all state agencies with responsibilities and assets to support local response to actual or potential oil or hazardous materials incidents. ESF #10 may also include
- local governments and private entities as appropriate.
- F. Response to oil and hazardous materials incidents is carried-out in accordance with *Virginia's Hazardous Materials and Terrorism Consequence Management Annex (Volume 4)* and, in the case of federal involvement, the *NCP*.
- G. Appropriate response and recovery actions can include efforts to detect, identify, contain, clean-up, or dispose of related oil and hazardous materials. Specific actions may include stabilizing the release through the use of berms, dikes, or impoundments; capping of contaminated soils or sludge; use of chemicals and other materials to contain or retard the spread of the release or to decontaminate or mitigate its effects; drainage controls; fences, warning signs, or other security or site-control precautions; removal of highly contaminated soils from drainage areas; removal of drums, barrels, tanks, or other containers that contain oil or hazardous materials; and other measures as deemed necessary.
- H. In addition, ESF #10 may be used to respond to actual or threatened releases of materials not typically considered hazardous under the *NCP* but that, as a result of an incident, pose a threat to public health or welfare or to the environment. Appropriate ESF #10 response activities to such incidents may include, but are not limited to, water quality monitoring and protection, air quality sampling and monitoring, household and business hazardous waste collection, and the permitting and monitoring of debris collection and disposal related to the clean-up and recovery phase.

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Policies

- A. The Virginia *Hazardous Materials and Terrorism Consequence Management Annex (Volume 4)* serves as the basis for all actions taken by ESF #10. This annex requires that all oil and hazardous materials releases under state jurisdiction be reported to the Virginia Emergency Operations Center (VEOC).
- B. When the incident has federal involvement all actions will be guided by the *NCP* as well. The *NCP* requires that all releases of oil and hazardous substances under federal jurisdiction be reported to the National Response Center (NRC).
- C. The VEOC and the NRC maintain a close working relationship and mutually coordinate all reports of oil and hazardous materials/hazardous substances releases made to either entity.
- D. Response actions will be coordinated with and consistent with those described by the National Response System (NRS). The NRS is a network of agencies, programs, and resources with responsibilities in oil and hazardous materials response. Virginia is a member of the Region 3 Regional Response Team (RRT) composed of select federal agencies and the Region 3 states. RRT activities are described in various Area Plans and other documents. To the extent practicable, all ESF #10 actions will be taken in accord with RRT and NRS guidelines.
- E. At the site of any oil or hazardous materials incident the VERT may deploy a State On-Scene Coordinator (SOC) to represent the Commonwealth in all on-scene decisions related to the mitigation of the incident. This SOC will usually be a VDEM Hazardous Materials Officer (HMO), but may be a representative of another state agency as appropriate. In general, and in accordance with the *Hazardous Materials and Terrorism Consequence Management Annex (Volume 4)*, under those circumstances where the release or potential release is a clear threat to public safety the SOC will usually be a VDEM HMO. Where the primary impact of a release or potential release would be to property and the environment the SOC will usually be a representative from the Department of Environmental Quality. In either case, the SOC has the authority to initiate all appropriate state actions to assist local governments. The SOC will coordinate with the VERT through ESF #10.
- F. When there is federal presence at the scene of an actual or potential release of oil or hazardous material/hazardous substance the SOC will coordinate with the Federal On-scene Coordinator (FOSC). Both the SOC and the FOSC will coordinate their activities through EFS #10.

Mission

See the *Hazardous Materials and Terrorism Consequence Management Annex (Volume 4)*, dated September, 2005.

Organization

See the *Hazardous Materials and Terrorism Consequence Management Annex (Volume 4)*, dated September, 2005.

Concept of Operations

See the *Hazardous Materials and Terrorism Consequence Management Annex (Volume 4)*, dated September, 2005.

Action Checklist

See the *Hazardous Materials and Terrorism Consequence Management Annex (Volume 4)*, dated September, 2005.